

REMARKS

This communication is in response to the detailed office action dated August 12, 2004.

IN THE SPECIFICATION and DRAWINGS

The Applicant has amended the specification and added a new FIG. 3 in order to further clarify the disclosed control system. The specification as filed incorporated by reference at least U.S. Patents 5,871,462; and 5,944,686 in paragraphs [0006] and [0038]. In this amendment the Applicant has added to the instant specification a new paragraph and figure that describes in more detail the control system of the present invention based on disclosure of the incorporated by reference patents. Because this information was already incorporated by reference, no new matter has been added.

IN THE CLAIMS

The Examiner rejected the pending claims, claims 1-4, 6-10, and 12-19, under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent no. 6,244,693 to Misumi (hereinafter "Misumi"). The Applicant wishes to point out that Misumi is directed to an ink-jet printer for ejecting ink onto a page for printing, while in contrast, the device claimed in the above-identified application is directed to ejection of a physiologically acceptable agent into a biologically acceptable medium, such as for example, a human. As a result, the device disclosed in Misumi is not relevant to the device of the present invention and the Applicants do not believe the present invention should be rejected on Misumi. However, it is the desire of the Applicants to receive quick allowance of this application, and therefore, the Applicants present these amendments and remarks such that the above-identified application is in condition for allowance over Misumi. The Applicants reserve the right to pursue the subject matter of the original claims in one or more continuation applications at a later time.

The Applicant has amended the independent claims to include limitations that are not found in the prior art, as will be pointed out below.

The Examiner relied on Misumi in rejecting the claims of the above-identified application. See Office Action dated August 12, 2004. Misumi discloses an inkjet recording device having an ejection orifice for ejecting ink. See Misumi, Abstract. The inkjet recording device is designed and intended to eject jets of ink toward a piece of paper or recording sheet for such purposes as depositing the ink thereon. *Id.* at col. 10, l. 36-col. 11, 1.

14. Accordingly, the inkjet recording device discloses an electrothermal transducer that is supplied with electric energy to generate heat to create a bubble of the ink. *Id.* at col. 3, ll. 58-61. During heating, the ink expands and a bubble is formed, thus increasing the pressure within the chamber and ejecting ink from the chamber. *Id.* at col. 1, ll. 11-21. Misumi discloses ejecting the ink from the chamber at a velocity "as high at 12.4 mm/sec" and an "average ejection speed is 9.1 m/sec." *Id.* at col. 9, ll. 55-61. Figure 15 shows the ejection speed to be between about 7 meters per second and 14 meters per second. *Id.* at FIG. 15.

In contrast, the above-identified application discloses and claims a device that ejects the ejectate at a minimum velocity of about 30 meters per second. See, Above-identified application, paragraphs [0011] and [0029] and claims 1, 8, 13, 14, and 18. The Misumi device does not disclose or reach ejectate velocities of about 30 meters per second. The Misumi device does not eject the ink at such velocities because the ink ejected from the device must remain at a velocity below a threshold velocity that will disrupt or penetrate the paper. As a result, Misumi does not anticipate the claimed invention of the above-identified application and, therefore, the Applicants respectfully request the rejection be removed and the claims allowed.

CONCLUSION

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815.

Respectfully submitted,
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encls:
Figure 3

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